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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Kohler Schmid + Partner
Ruppmannstr. 27
Stuttgart, D-70565
GERMANY

EXAMINER	
FETZNER, TIFFANY A	
ART UNIT	PAPER NUMBER
2859	

DATE MAILED: 12/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/689,660	TSCHIRKY ET AL.	
	Examiner	Art Unit	
	Tiffany A Fetzner	2859	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 October 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *22 October 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *10/22/2003*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 10/22/2003 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement has been considered by the examiner.

Drawings

3. See attached Notice of Official draftsperson review PTO form 948 attached to this Office action.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. **Claims 1, 3-9, 18,** and **19** are rejected under **35 U.S.C. 102(e)** as being anticipated by **Hofmann et al.,** US patent 6,741,079 B2 issued May 24th 2004; filed June 5th 2002. Citations for this reference are by column and line.

6. **Claims 1, 3-9, 18,** and **19** are rejected under **35 U.S.C. 102(a) and (e)** as being anticipated by **Hofmann et al.,** US patent application publication US 2002/0196023 A1 published December 26th 2002; filed June 5th 2002, which corresponds to **Hofmann et al.,** US patent 6,741,079 B2. Citations for this reference are by page and paragraph.

7. With respect to **Claim 1**, **Hoffmann et al.,** teaches and shows " A nuclear magnetic resonance (NMR) spectrometer for investigating a liquid sample in a sample tube", [See figures 1a through 4a both reference] "the spectrometer comprising: a sample bushing" (i.e. the examiner is interpreting the 'clamp' and plunger / plunger guidance components of **Hoffmann et al.,** as a structure which is equivalent to applicant's "sample bushing" because they constitute components which hold a positioned sample tube.) The examiner notes that the **Hoffmann et al.,** clamp components 7, 7a, 7b, 7c, 7d, 7e and 7' are shown as directly "surrounding the sample tube" (i.e. , **Hoffmann et al.,** component 10), while components 3, 3', 3b, 3c, 3d, 3b', 3c', and 3d' also surround the sample tube outside the clamp components. Additionally, **Hoffmann et al.,** teaches and shows "said sample bushing" (i.e. the clamp and plunger components) "having a bore into which one end of the sample tube is inserted with close tolerance" [See figures 1a through 4b; **Hoffmann et al., '079** col. 3 line 1 through col. 8 line 67; **Hoffmann et al.,** 2002/0196023 page 2 paragraph [0010] through page 5 paragraph [0096]], "said sample bushing" (i.e. clamp and plunger components) "being substantially cylindrical with said bore extending along a cylinder axis thereof" [See figures 1a through 4b; **Hoffmann et al., '079** col. 3 line 1 through col. 8 line 67; especially col. 3 lines 18-32 **Hoffmann et al., 2002/0196023** page 2 paragraph [0010] through page 5 paragraph [0096]], "said sample bushing" (i.e. clamp and plunger components) "having at least one groove fashioned within an outer periphery of said sample bushing;" [See **Hoffmann et al., '079** col. 5 lines 65-67 where the thread component **3c** or **3c' of** col. 7 lines 45-56, of the clamp components 7 or 7' is screwed into the mating thread of the plunger guidance. **Hoffmann et al., 2002/0196023** page 3 paragraph [0052]. The examiner notes that threads intrinsically possess "grooves" between them, (i.e. on either side of the actual thread(s) component **3c** or **3c'** in the **Hoffmann et al.**; figures) and that the clamp of **Hoffmann et al.**; contains at least two grooves (i.e. the two grooves produced on either side of the at least one thread) as a result of the presence of the at least one thread.],

8. **Hoffmann et al.,** also teaches and shows "a gripping device" (i.e. the spreadable finger components of the clamp) "for cooperation with" the remaining "said sample

bushing" components (i.e. the clamp and plunger components) [See **Hoffmann et al., '079** col. 3 lines 18-32; col. 4 lines 1-4; col. 4 lines 34-56; col. 5 lines 27-33; col. 5 lines 42-45; col. 7 line 25 through col. 8 line 28; **Hoffmann et al., 2002/0196023** page 2 paragraphs [0011], [0016], [0023] through [0027]; page 3 paragraphs [0040], [0041], [0045]; page 4 paragraph [0075] through page 5 paragraph [0090]] "said gripping device having at least three gripping fingers" [See figures 1b, 1c, 2b, 2c, 3a, and 3b component 7c], which are "structured to engage said groove of said sample bushing to press onto two outer edges of said groove in a closed configuration of said gripping device". [See **Hoffmann et al., '079** col. 7 line 25 through col. 8 line 28; col. 6 lines 10-42 **Hoffmann et al., 2002/0196023** page 4 paragraph [0075] through page 5 paragraph [0090] and page 3 paragraph [0057] through page 4 paragraph [0061]]

9. With respect to **Claim 3**, **Hoffmann et al.**, teaches and shows from the figures. that "each of said gripping Fingers" (i.e. components 7c, 7c') has a conical or rounded projection which is oriented radially inwardly towards said cylinder axis of said sample bushing for abutment on said two outer edges of said groove.] [See figures 1a through 3b; **Hoffmann et al., '079** col. 3 lines 18-32; col. 4 lines 1-4; col. 4 line 34-52; col. 6 lines 11-35; col. 7 line 25 through col. 8 line 28; **Hoffmann et al., 2002/0196023** page 2 paragraphs [0011], [0016], [0023] through [0026]; page 3 paragraphs [0057] through [0060], page 4 paragraph [0075] through page 5 paragraph [0090]]. The same reasons for rejection, that apply to **claim 1** also apply to **claim 3** and need not be reiterated.

10. With respect to **Claim 4**, **Hoffmann et al.**, teaches and shows from the figures that an expanding cone disposed inside said gripping device for upward and downward motion therein, said cone having a conical surface at a lower end thereof for spreading said gripping fingers." [See figures 1a through 3b; **Hoffmann et al., '079** col. 3 lines 18-32; col. 4 lines 1-4; col. 4 line 34-50; col. 6 lines 11-35; col. 7 line 25 through col. 8 line 28 **Hoffmann et al., 2002/0196023** page 2 paragraphs [0011], [0016], [0023] through [0026]; page 3 paragraphs [0057] through [0060], page 4 paragraph [0075] through page 5 paragraph [0090]]. The same reasons for rejection, that apply to **claim 1** also apply to **claim 4** and need not be reiterated.

11. With respect to **Claim 5**, **Hoffmann et al.**, teaches "a press fit into which the sample glass can be inserted in a gas-tight manner.' [See abstract, **Hoffmann et al., '079** col. 3 lines 29-31; col. 5 lines 59-60; col. 6 lines 4-5; col. 6 lines 26-35; col. 8 lines 3-5 **Hoffmann et al., 2002/0196023** page 2 paragraph [0011], page 3 paragraphs [0049], [0054], [0060]; page 4 paragraph [0085]] The same reasons for rejection, that apply to **claim 1** also apply to **claim 5** and need not be reiterated.

12. With respect to **Claim 6**, **Hoffmann et al.**, teaches "said sample bushing has a conical bore for introducing an injection needle of a filling device" [See **Hoffmann et al., '079** col. 4 lines 24-37; col. 3 lines 11-58; col. 3 line 44 teaches filling via "an injection needle" col. 7 lines 12-39; and col. 6 lines 24-35; **Hoffmann et al., 2002/0196023** page 4 paragraphs [0074], [0075]; page 3-4 paragraph [0060],page 2 paragraphs [0011], [0013], [0021], [0022]; See figures 1a through 3b] The same reasons for rejection, that apply to **claim 1** also apply to **claim 6** and need not be reiterated.

13. With respect to **Claim 7**, **Hoffmann et al.**, teaches "a closing ball for sealing said sample bushing in a liquid or gas-tight fashion". [See **Hoffmann et al., '079** col.3 lines 29-31; col. 4 lines 9-14; col. 5 lines 30-34; col. 6 lines 26-31; col. 7 lines 57-60; col. 8 lines 3-5; col. 8 lines 61-63; abstract; **Hoffmann et al., 2002/0196023** page 2 paragraphs [0011], [0018], page 3 paragraphs [0041], [0060]; page 4 paragraphs [0082], [0085]; page 5 paragraph [0096] See rubber stopper component 509 and seal component 6 in applicant's figures 1a through 4b.] The same reasons for rejection, that apply to **claim 1** also apply to **claim 7** and need not be reiterated.

14. With respect to **Claim 8**, **Hoffmann et al.**, teaches "an outer diameter of the sample tube is less than 2mm". [See **Hoffmann et al., '079** col. 1 lines 24-29 where an outer diameter of approximately 1mm for a conventional sample tube, meets the criteria of "a sample tube with an outer diameter of less than 2mm. See also col. 3 lines 55-58; col. 7 lines 65-67; **Hoffmann et al., 2002/0196023** page 2 paragraph [0013], page 4 paragraph [0084] page 1 paragraph [0003]] The same reasons for rejection, that apply to **claim 1** also apply to **claim 8** and need not be reiterated.

15. With respect to **Claim 9**, **Hoffmann et al.**, teaches "an outer diameter of the sample tube is less than 1 mm. [See **Hoffmann et al., '079** col. 3 lines 55-57;

Hoffmann et al., 2002/0196023 page 2 paragraph [0013]] The same reasons for rejection, that apply to **claims 1, 8** also apply to **claim 9** and need not be reiterated.

16. With respect to **Claim 18**, **Hoffmann et al.**, teaches that "said sample bushing has an outer diameter of l0 mm or less". [See **Hoffmann et al., '079** col. 5 lines 3-6; col. 3 lines 55-58; **Hoffmann et al., 2002/0196023** page 2 paragraph [0013], page 3 paragraph [0033]]. The same reasons for rejection, that apply to **claim 1** also apply to **claim 18** and need not be reiterated.

17. With respect to **Claim 19**, **Hoffmann et al.**, teaches "said outer diameter is 3 to 8 mm. [See **Hoffmann et al., '079** col. 3 lines 54-58; **Hoffmann et al., 2002/0196023** page 2 paragraph [0013]] The same reasons for rejection, that apply to **claims 1, 18** also apply to **claim 19** and need not be reiterated.

Claim Rejections - 35 USC § 103

18. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

19. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

20. **Claims 2,** are rejected under **35 U.S.C. 103(a)** as being unpatentable over **Hofmann et al.,** US patent 6,741,079 B2 issued May 24th 2004.

21. **Claims 2,** are rejected under **35 U.S.C. 103(a)** as being unpatentable over **Hofmann et al.,** US patent application publication US 2002/0196023 A1 published December 26th 2002; filed June 5th 2002, which corresponds to **Hofmann et al.,** US patent 6,741,079 B2. Citations for this reference are by page and paragraph.

22. With respect to **Claim 2**, both **Hoffmann et al.**, references lack directly teaching "four gripping fingers", but both references do imply that "said gripping device" of the 'sample brushing' clamp "comprises four gripping fingers", because figure 2c is a front view of three gripping fingers, with at least a fourth finger intrinsically suggested because the figure shows a two-dimensional front view. Based on the figure there is at least one hidden finger component located at 90 degrees, behind the finger shown at 270 degrees. The figure 2c shows a finger component at 270 degrees and two other half finger components at 0 degrees and 180 degrees, therefore it would have been obvious to one of ordinary skill in the art at the time that the invention that when the invention is viewed three-dimensionally with a 360 degree view, that figure 2c suggests at least 4 gripping fingers, and possibly even an interpretation of six gripping fingers, wherein gripping fingers would also have been suggested to be located at 90 degrees 150 degrees, 210 degrees, 270 degrees, 330 degrees, and 30 degrees respectively.]

23. **Claims 1-4, 8, 10-17,** and **20,** are rejected under **35 U.S.C. 103(a)** as being unpatentable over **Fattinger et al.,** US patent application publication 2003/0209091 A1 published November 13th 2003, filed **May 9th 2003**.

24. With respect to **Claim 1, Fattinger et al.,** shows "a sample bushing" (i.e. adapter part 12, see also adapter parts 12a, 12b, and 12c of figure 10f) surrounding a sample tube" (i.e. component 11 is the sample tube) [See figures 18, 15, 16, 14, 13, 11, and 9], "said sample bushing having a bore" (i.e. conduit 16("into which one end of the sample tube is inserted with close tolerance" [See figures 16, 15, 14, 13, 11, and 9], "said sample bushing being substantially cylindrical with said bore extending along a cylinder axis thereof", [See figures 16, 15, 14, 13, 11, and 9], "said sample bushing having at least one groove" (i.e. depression 57 of figure 9 which is located between ridges 14 and 15) "fashioned within an outer periphery of said sample bushing" (i.e. component 12); and "a gripping device" (i.e. gripper components 50 or 51) "for cooperation with said sample bushing", [See figures 9, 11, 12, 13, 14, 15, 16, 18; page 5 paragraph [0104] through [0118]; page 6 paragraph [0131] through page 7 paragraph [0133].

25. **Fattinger et al.,** also shows in figures 12 that "said gripping device" (i.e. component 51) "having at least three gripping fingers" [See figure 12] "structured to

engage said groove of said sample bushing to press onto two outer edges of said groove in a closed configuration of said gripping device". [See figures 9, 10, 11, 12, 13, 14, 15, 16, 18; page 3 paragraphs [0046] through [0051]; page 4 paragraph [0101], page 5 paragraph [0117] through page 6 paragraph [0119]. Additionally, **Fattinger et al.,** teaches and shows "a liquid sample in a sample tube" [See page 3 paragraph [0034], page 1 paragraph [0004] and page 5 paragraph [0104]; See figures 7, 9, 10, 18] A nuclear magnetic resonance (NMR) spectrometer for investigating **Fattinger et al.,** lacks directly teaching that the apparatus illustrated by figures 1-18 and paragraph [0001] through [0149] is "a nuclear magnetic resonance (NMR) spectrometer for investigating a liquid sample in a sample tube", However, **Fattinger et al.,** specifically teaches that the apparatus is suitable for analyzing samples contained in test tubes by means of NMR measurements. [See page 3 paragraph [0034] and page 5 paragraph [0104],] Therefore, It would have been obvious to one of ordinary skill in the art at the time that the invention was made that the invention of **Fattinger et al.,** is an apparatus that is used in direct combination with a measuring system that performs measurements on test tubes via NMR, (i.e. the apparatus is used with, or as part of, an NMR spectrometer) which implies the claimed spectrometer feature. [See page 1 paragraph [0004], page 3 paragraph [0034] and page 5 paragraph [0104]. The examiner also notes that all the parts comprising the applicant's "spectrometer" (i.e. the body of the claims) are found within the drawings and teachings of **Fattinger et al.,** reference.]

26. With respect to **Claim 2**, **Fattinger et al.,** lacks directly teaching "four gripping fingers", but both references do imply that "said gripping device" of the 'sample brushing' clamp "comprises four gripping fingers", because figure 12 component 54 is a front view of three gripping fingers, with at least a fourth finger intrinsically suggested because the figure shows a three-dimensional front view. Based on the figure there is at least one hidden finger component located at 90 degrees, behind the finger shown at 270 degrees. The figure 12 shows a finger component at 270 degrees and two other half finger components at 0 degrees and 180 degrees, therefore it would have been obvious to one of ordinary skill in the art at the time that the invention that when the invention is viewed three-dimensionally with a 360 degree view, that figure 12 suggests

at least 4 gripping fingers.] The same reasons for rejection, and obviousness, that apply to **claim 1** also apply to **claim 2** and need not be reiterated.

27. With respect to **Claim 3**, **Fattinger et al.,** shows from figure 12 that "each of said gripping Fingers of component 54 has a conical or rounded projection which is oriented radially inwardly towards said cylinder axis of said sample bushing" (i.e. component 12) for abutment on said two outer edges of the internal groove of component 12 that constitutes conduit component 16, [See figures 15, 16, 13, 14 and 18 .] The same reasons for rejection, and obviousness that apply to **claim 1** also apply to **claim 3** and need not be reiterated.

28. With respect to **Claim 4**, **Fattinger et al.,** teaches and shows from the figures that an expanding cone disposed inside said gripping device for upward and downward motion therein, said cone having a conical surface at a lower end thereof for spreading said gripping fingers." [See figure 12 page 5 paragraph [0117] through page 6 paragraph [0119]. The same reasons for rejection, and obviousness that apply to **claim 1** also apply to **claim 4** and need not be reiterated.

29. With respect to **Claim 8**, **Fattinger et al.,** teaches "an outer diameter of the sample tube is less than 2mm". [See **Fattinger et al.,** page 5 paragraph [0106]] The same reasons for rejection, and obviousness that apply to **claim 1** also apply to **claim 8** and need not be reiterated.

30. With respect to **Claim 10**, **Fattinger et al.,** lacks directly teaching that "said sample bushing has a coding" however **Fattinger et al.,** teaches that the adapter part (i.e. the "sample brushing) 12a, 12b, 12c can have different dimensions, of rotationally symmetrical shape. [See page 5 paragraphs [0107] through [0110] and that each adapter cooperates with the projection of the sample tube holding compartment to correctly position the sample tube, therefore It would have been obvious to one of ordinary skill in the art at the time that the invention was made that the "sample brushing" components of the **Fattinger et al.,** reference posses an intrinsic, automatic coding for each sample and sample compartment of the device. The same reasons for rejection, and obviousness, that apply to **claim 1** also apply to **claim 10** and need not be reiterated.

31. With respect to **Claim 11**, **Fattinger et al.,** lacks directly teaching that "said coding is a data matrix with data for identification of the sample", However figures 6 and 7 show the samples arranged in a an 8X12 carrier matrix, which constitutes a countable and calculable matrix for identifying a samples position. (i.e. it can be seen in figure 3 that from left to right, and top to bottom; (i.e. the way a normal individual who speaks English would conventionally read) that sample 11 of figure 6 is located in row 3, and column 3 of the 8 row by 12 column matrix shown.) Therefore, It would have been obvious to one of ordinary skill in the art at the time that the invention was made that figures 6 and 7 are both suggestive of "a data matrix for identification of the sample" where the data is the counted position of the sample within the matrix of the carrier device. The same reasons for rejection, and obviousness, that apply to **claims 1, 10** also apply to **claim 11** and need not be reiterated.

32. With respect to **Claim 12**, **Fattinger et al.,** lacks directly teaching that "said sample bushing has an alphanumerical marking which can be visually read to determine a position where the sample glass is to be processed". However, Figures 5, 6, 7 and 11 in combination show that adapter 12 within gripper 50, locates sample 11 in the third row of the matrix of figure 7, by the alphanumeric indicators of figure 7 (i.e. the "v" with the arrow and the horizontal bar) and numeric component 11 of figure 6. In figure 6 component 11, which corresponds to the sample in row-3, column-3 ,of the 8-row and 12-column matrix has been selected. [See figures 1 through 5, 6, 7, and 11.] The same reasons for rejection, and obviousness, that apply to **claim 1** also apply to **claim 12** and need not be reiterated.

33. With respect to **Claim 13**, **Fattinger et al., shows** "a container within which the sample is positioned using said marking" [See figures 7 and 6 container 21; See also figures 1 through 5 and the markings identified in claim 12 above.] The same reasons for rejection, and obviousness, that apply to **claims 1, 12** also apply to **claim 13** and need not be reiterated.

34. With respect to **Claim 14**, **Fattinger et al.,** shows an MRI / NMR apparatus for gripping and transporting a plurality of test tubes wherein at least one groove said at least one groove has a polygonal [See **Fattinger et al.,** Figures 8, 9, 10, 11, 13, 14, 15,

16, 18] "rectangular" [See **Fattinger et al.,** figures 8, 9, 10, 13, 14] "or triangular cross-section". [See **Fattinger et al.,** Figures 11, 15, 16, 18] The same reasons for rejection, and obviousness, that apply to **claim 1** also apply to **claim 14** and need not be reiterated.

35. With respect to **Claim 15, Fattinger et al.,** shows "at least one groove is formed as a continuous centering groove which extends around an entire periphery of said sample bushing" [See depression 57 which is visible in figures 9, 10, 11, 13, 14, 15, 16, and 18; even though it is only labeled in figure 9]. The same reasons for rejection, and obviousness, that apply to **claim 1** also apply to **claim 15** and need not be reiterated.

36. With respect to **Claim 16, Fattinger et al.,** shows and suggests from figure 10, 13, and 14 that "said sample bushing" (i.e. component 12) "has several grooves", because the body of component 12 which touches component 51 until the point at which ridge 14 projects out, is also a groove in the body of component 12. Additionally groove 57 of figures 10, 13, and 14 as illustrated appears to be a composite of two grooves a triangular or trapezoidal groove and a rectangular groove. [See figures 10, 13, and 14]. The same reasons for rejection, and obviousness, that apply to **claim 1** also apply to **claim 16** and need not be reiterated.

37. With respect to **Claim 17, Fattinger et al.,** shows in figures 9, 10, 11, 13, 14, 15, 16, and 18 that the grooves identified in claim 16 above, and as component 57 in figure 9, "extend around an entire periphery of said sample bushing" component 12, therefore **Fattinger et al., figures** 9, 10, 11, 13, 14, 15, 16, and 18 show that "several grooves extend around an entire periphery of said sample bushing". The same reasons for rejection, and obviousness, that apply to **claims 1, 16** also apply to **claim 17** and need not be reiterated.

38. With respect to **Claim 20, Fattinger et al.,** shows that "said groove is formed on an outer periphery of said sample bushing" [See figures 9, 11] "such that said gripping fingers of said gripping device" (i.e. components 54 of component 50 and 51) "can engage at least three locations distributed radially around said periphery of the sample bushing for handling said sample bushing while pressing onto said two outer edges of said groove when said gripping device is closed." [See the teachings of page 5

paragraph [0117] through page 6 paragraph [0120], page 6 paragraph [0131], pages 6-7 paragraph [0133]; and the teachings of page 7 paragraphs [0134] through [0149] in general. The same reasons for rejection, and obviousness, that apply to **claim 1** also apply to **claim 20** and need not be reiterated.

Prior Art of Record

39. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A) **Tschirky et al.**, US patent 6,686,740 B2 issued February 3rd 2004, filed March 4th 2002.

B) **Tschirky et al.**, US patent application publication 2002/0196022 A1 published December 26th 2002; filed March 4th 2002; which corresponds to **Tschirky et al.**, US patent 6,686,740 B2 issued February 3rd 2004.

C) **Warden et al.**, US patent 6,563,317 B2 issued May 13th 2003, filed March 4th 2002.

D) **Warden et al.**, US patent application publication 2002/0135372 A1 published September 26th 2002; filed March 4th 2002; which corresponds to **Warden et al.**, US patent 6,563,317 B2 issued May 13th 2003.

E) **Leung et al.**, US patent 6,812,706 B2 issued November 2nd 2004, filed March 12th 2003.

F) **Hofmann et al.,** US patent 5,517,856 issued May 21st 1996.

G) **Wand et al.,** US patent 6,362,624 Bi issued March 26th 2002 ; filed October 27th 1999.

H) **McKenna** US patent 4,859,949 issued August 22nd 1989.

Conclusion

40. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tiffany Fetzner whose telephone number is: (571) 272-2241. The examiner can normally be reached on Monday-Thursday from 7:00am to 4:30pm., and on alternate Friday's from 7:00am to 3:30pm.

41. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego Gutierrez, can be reached at (571) 272-2245. The **only official fax phone number** for the organization where this application or proceeding is assigned is **(703) 872-9306**.

TAF
December 9, 2004

Diego Gutierrez
Supervisory Patent Examiner
Technology Center 2800

CHR[illegible]HER W. FULTON
PRIMARY EXAMINER